

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**HOLLOW SPIRITS, LLC,**

**Plaintiff,**

**vs.**

**Civ. No. 18-257 MV/JFR**

**CORSON DISTILLING SYSTEMS, INC.,  
TORY CORSON, and JOSH CORSON,**

**Defendants.**

**AFFIDAVIT OF H. JESSE JACOBUS, III PURSUANT TO FED. R. CIV. P. 55(a)**

H. Jesse Jacobus, III, being duly sworn, hereby states as follows:

1. I am over 18 years of age and competent to make this affidavit in the above-referenced matter. I have knowledge of the facts set forth in this affidavit and can testify to these facts if called upon to do so.

2. I am the counsel of record for Plaintiff Hollow Spirits, LLC (Freedman Boyd Hollander Goldberg Urias & Ward P.A.).

3. On March 16, 2018, Plaintiff filed its Complaint for Damages in New Mexico State Court against Defendant Corson Distilling.

4. On March 16, 2018, Defendant Corson Distilling filed a Notice of Removal to the United States District Court for the District of New Mexico.

5. On October 23, 2018, Perkins Coie LLP filed a Motion to Withdraw as Attorney of Record for Defendant Corson Distilling (Doc. 22).

6. On October 24, 2018, the Court entered an Order Denying (Perkins Coie LLP's) Motion to Withdraw as Attorney of Record. The Court's Order further mandated that Defendant

Corson Distilling had thirty (30) days to retain substitute counsel and that Perkins Coie LLP could refile its motion in conjunction with a request for substitution of Defendant's newly retained counsel no later than forty-five (45) days from entry of the Court's Order (Doc. 22).

7. On December 17, 2018, Perkins Coie, LLP filed a Renewed Motion to Withdraw As Attorney of Record, stating Defendant Corson Distilling's representatives had not responded to any communications from Perkins Coie, LLP since approximately September 2018 (Doc 30).

8. On January 11, 2019, the Court granted Perkins Coie LLP's Renewed Motion to Withdraw As Attorney of Record (Doc 30).

9. In the Court's Order dismissing Perkins Coie as Defendant Corson Distilling's counsel, the Court stated "Defendant Corson Distilling Systems, Inc. shall have until January 25, 2019 to cause new counsel to enter an appearance on its behalf, and failure to do so could result in the imposition of sanctions up to and including entry of default judgment against Defendant [Corson Distilling] [.]" (Doc 30).

10. As of the filing of this affidavit, Defendant Corson Distilling still has not had new counsel enter appearance on its behalf.

11. Furthermore, on February 6, 2019, Plaintiff filed its First Amended Complaint for Damages, adding Tory Corson and Josh Corson, the owners and operators of Defendant Corson Distilling, as Defendants (Doc 34).

12. On March 23, 2019, Plaintiff filed the Return of Summons for Defendant Tory Corson (Doc. 40).

13. On March 23, 2019, Plaintiff filed the Return of Summons for Defendant Josh Corson (Doc. 39).

14. Defendant Tory Corson and Defendant Josh Corson were both required under the Rules to file their Answers by May 6, 2019.


15. Defendant Tory Corson and Defendant Josh Corson have not filed any pleadings with the Court.

16. Defendant Tory Corson and Defendant Josh Corson have not had counsel enter appearances on their behalf.

17. Defendant Tory Corson and Defendant Josh Corson are not on active duty leave with the military.

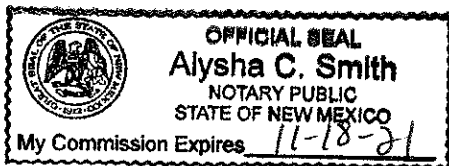
18. Defendant Corson Distilling, Defendant Tory Corson and Defendant Josh Corson have failed to plead or otherwise defend this matter.

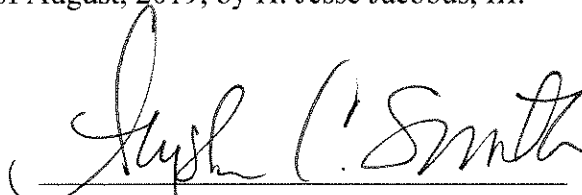
FURTHER AFFIANT SAYETH NOT.

  
H. JESSE JACOBUS, III

STATE OF NEW MEXICO       )  
  ) ss.  
COUNTY OF BERNALILLO    )

Subscribed and sworn to before me this 12<sup>th</sup> day of August, 2019, by H. Jesse Jacobus, III.



  
Notary Public

My Commissions Expires:

11-18-21